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Constitutional Convention.
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Constitutional Convention OF CONNECTICUT.

“Citizens are Equal in Political Rights.”

“The people of Connecticut have at all times the right to alter their form of government as they think best.”

If all registered voters in the following cities were represented in the convention, the vote on the following question would look somewhat like this:

Yea and Nay vote on the question of—

Shall the whole people of the State of Connecticut be fairly and equally represented in the General Assembly?

	YES.	NO.
Ashford,	=====	246
Bridgeport,	15,535	=====
Colebrook,	=====	197
Hartford,	17,435	=====
Hartland,	=====	122
Killingworth,	=====	144
Lyme,	=====	226
New Haven,	25,590	=====
Union,	=====	102
Totals	58,560	1,037

58,560 votes for the measure.

1,037 votes against the measure.

1,037 registered voters in the towns of Ashford, Colebrook, Hartland, Killingworth, Lyme, and Union, with twelve representatives and six delegates, now have twice as much power and twice as many votes in the House of Representatives and the Convention as

58,560 registered voters in Bridgeport, Hartford, and New Haven, who have only six representatives and three delegates.

Shall the action of the General Assembly force the people of Connecticut to provide that similar disproportionate representation shall rule the Constitutional Convention as now rules the House of Representatives, and thus defraud the people of their rights.

JOHN M. BERRY,
MILLBURY, MASS.
1902.

THE REPRESENTATION OF ALL.

When you go to vote for a representative in the state Legislature you take the chance of being outvoted and seeing your candidate defeated.

If this happens, you gain nothing by your vote—the result is the same as if you and all the others who voted for your candidate had had no right to vote at all.

If you are a Democrat and your town is strongly Republican, or, if you are a Republican, and live in a town which is strongly Democratic, this will happen every time. Your vote is a mere idle ceremony—you know it will not affect the result. Your wife, who has no vote at all, has no less real power than you in the election, and she saves the trouble of going to the polls.

Do you like this? If not, would you like to find a way to change it?

If you are not too badly outvoted, you hope your party may sometimes succeed.

Still, if you lose your vote only half the time, it is just as bad the years you do lose it.

You think, perhaps, that this cannot be helped—the members of either one party or the other must lose their votes. Must they? We will see about that later.

You may say to yourself: “Well, those who get the most votes win.”

If that is so, those who win must have the most votes, must they not?

Apparently they do not.

For at the last state election in Connecticut (1900),—

57 votes* cast for Representative Horton elected him, and 10,630 votes cast for Mr. Blakeslee did not elect him.

While 246 other defeated candidates each received all the way from one to over 10,500 more votes than were cast for either Representatives Horton, Strong, Standish, Babcock, or Lord.

And more votes were lost on defeated candidates than were cast for 250 of the 255 representatives in the Connecticut Legislature.

Yet the Connecticut Constitution declares that “all men” (*not all towns*), “when they form a social compact, are equal in rights.”

Therefore, one citizen’s vote should equal and count for as much as another’s. But—

11,378 votes in New Haven elected Representative Donovan, while—

22,351 votes in the same place were lost on defeated candidates. A similar result occurred in 65 of the 168 towns in the state.

**For proof of statements see Appendices to this pamphlet, and “Connecticut State Register and Manual,” which can be found in public libraries in Connecticut.*

The Constitution also declares that—

“No set of men is entitled to exclusive public privileges from the community.”

But “a set of men” in the town of Union is allowed the privilege from the community of two representatives in the Legislature, while over one-half the towns in the state are excluded from that privilege and limited to only one representative each, yet each one of these towns has a larger population than Union—fifty of them being over twice as large, and one of them over ten times as large.

If 118 votes in Union were justly entitled to elect two representatives, as they did in 1900, and “all men are equal in rights,” why were not 2,785 times as many votes cast in other towns in the state equally entitled to elect 2,785 times two, or 5,570 representatives? In fact, they only elected 253 representatives.

Union has property valued on the grand list at only \$125,487, yet those who cast the 118 votes in Union have more power to tax the owners of property of the other towns in the state which is valued in the same way at \$570,000,000, than voters who cast 1,221 times as many votes for candidates defeated in those towns.

How much better is this than “taxation without representation”?

Careful study of the Connecticut Constitution proves that the citizen, *and not the town*, is the political unit; it proves the sovereignty of the people collectively, and the falsehood of the theory that the state is a federation of towns. Webster vs. Harwinton, 32 Conn. Reports, 137, decided by the Supreme Court of Connecticut in 1864.

Voters in small towns, as well as those in large ones, suffer from this evil of unequal representation.

In 128 small towns, containing only a trifle more than one-fourth of the population of the state, less than two-fifths of the votes cast in them (being less than one-tenth of the votes cast in all the towns) elected a majority of the House of Representatives.

What amount of representation and legislative power was left for either the remaining three-fifths of the votes cast in those 128 towns or for the other nine-tenths of the votes cast in the whole state?

The total population of the state is in round numbers

908 thousand, in 168 towns; of these,

229 thousand, in 128 small towns, cast

71,159 votes.

27,842 of these votes elected 128 representatives, a majority of all the representatives elected in the state, while

43,317 other votes were cast in the same 128 towns, and elected only 52 other representatives.

28,284 of the last named votes, or a larger number than elected

a majority of the whole House of Representatives in said 128 towns, were wasted on defeated candidates.

A careful estimate shows that at the time the present Constitution was adopted, the land within the limits of these 128 towns contained over one-half the population.

Changes in population demand corresponding changes in representation.

At the time of the adoption of the present Constitution the population of the state was less than the present population of the four cities of Bridgeport, Hartford, New Haven and Waterbury alone; and the number of unrepresented taxpayers who lost their votes on defeated candidates at the last election (1900) was greater than the total number of voters at the time the present Constitution was accepted by the people.

Less than one-half of the votes cast elected all but two of the representatives; thus only two representatives were left to represent the other votes—though a majority of all the votes cast in the state. Evidently the majority does not rule in Connecticut.

Less than one-sixteenth of the votes cast (a little more than 6 per cent.) elected a majority of the House of Representatives.

Where citizens are equal, 6 per cent. of the votes should only elect 6 per cent. of the representatives, instead of over 50 per cent. as in Connecticut.

Even of votes for successful candidates, eight times as many were cast for 127 representatives as for the other 128, though the latter were a majority of the House of Representatives.

A change of *less than one per cent.* of the votes cast, from a majority of those elected to the defeated candidates in their towns who received the next highest vote, would have defeated them all and elected a new majority in the House of Representatives, composed of the candidates who were defeated.

A change of less than one per cent. of the votes should only change three representatives instead of 128 of them.

A similar change of a little over seven per cent. of the votes would have defeated every one of the present representatives and would have elected their defeated opponents in their place.

A change of seven per cent. of the votes should only make a change of eighteen representatives instead of 255, the whole number of representatives.

Over 23,000 registered voters failed to vote at all, largely influenced, we may fairly infer, by the feeling warranted by the above facts, that such action would probably be futile, and would surely be so if they belonged to the hopeless minority in their respective districts.

Thus much for the House of Representatives. Now for the

SENATE OF CONNECTICUT.

Here the only voters who are represented are those who vote for a senator.

Those who voted for defeated candidates are not represented. No person for whom they voted has a voice in the Senate.

Less than one-half the votes cast for candidates for the present Senate of Connecticut elected all but one of the senators.

37,303 votes elected fourteen senators (one more than a majority), namely, Senators Bradley, Gordon, Pendleton, Cooper, Allis, T. J. Brown, Brothwell, Wright, C. H. Brown, McDonald, Landon, Pond, Thompson and Maxwell, while a larger number,

38,306 votes, elected only five, viz.: Senators Bree, Roberts, Seeley, Kennedy and Burton; and

80,150 were lost on defeated candidates.

Less than one-fifth of the votes cast elected a majority of the senators (thirteen) and thus controls all legislation, while more than twice as many votes were unnecessarily thrown away on defeated candidates.

33,228 votes elected a majority of the senate (thirteen), viz.: Senators Gordon, Pendleton, Cooper, Allis, T. J. Brown, Brothwell, Wright, C. H. Brown, McDonald, Landon, Pond, Thompson and Maxwell; while over twice as many votes,

66,589, elected only the remaining minority of eleven senators; and 80,150 votes were wasted on defeated candidates.

More votes were unnecessarily thrown away on defeated candidates than were cast for twenty-one of the twenty-four senators. (See p. 11.)

50,945 votes were cast for all the candidates in twelve districts, and one-half the Senate was elected there, viz.: Senators Pendleton, Cooper, Allis, T. J. Brown, Brothwell, Wright, C. H. Brown, McDonald, Landon, Pond, Thompson and Maxwell; while

51,410 votes were cast for all the candidates in three districts, and only one-eighth of the Senate was elected there, viz.: Senators Bree, Roberts and Seeley.

There were twenty-one districts in which a less number of votes were cast for the persons elected as senators than were wasted on defeated candidates in twenty-one districts which can be selected. (See p. 11.)

29,548 votes in twelve districts elected Senators Pendleton, Cooper, Allis, T. J. Brown, Brothwell, Wright, C. H. Brown, McDonald, Landon, Pond, Thompson and Maxwell, one-half the senators.

32,422 in four districts elected only one-sixth of the senators, viz.: Senators Bree, Roberts, Seeley and Kennedy.

The definition of a republic given in the Standard Dictionary is: "A state in which the sovereignty resides in the people, and the administration is lodged in officers elected by and *representing* the people."

That means representing the whole people, not a majority or plurality of the people; consequently here is a real, if not a technical, violation of the United States Constitution, Art. IV, Sec. 4.

For that section says: "The United States guarantees to every state in the Union a republican form of government."

The animating principle of our constitutions is the political equality of all citizens—the humblest as well as the haughtiest. This, though the essential part of our constitutions, is set at naught, and the whole spirit of the constitutions of the state of Connecticut and of the United States violated, when the system of voting is such that the votes of

1,491 citizens elect Senator Maxwell to represent these citizens in the Senate of Connecticut; and over sixty-five times as many other votes elected only twenty-three senators to represent those who cast them, while over fifty-three times as many votes cast by

80,150 other citizens fail to elect a senator, and consequently these citizens remained altogether unrepresented.

Unless as some (not particularly bright men) claim, a voter is represented by any candidate who may be elected from his district, though he voted against that candidate and detested his principles.

Does an elected rumseller represent the Prohibitionists in his district who did all they could to defeat him; or a Democratic candidate, being elected, represent the Republicans in his district who distrust him; or a Republican who is elected represent the principles of the Democrats in his district who opposed his election by every means in their power?

True representation is not obtained in any such manner.

10,674 votes were cast for a defeated Republican candidate, Mr. Averill, but a total of

9,615 votes elected five other Republicans, viz.:

Senators McDonald, Landon, Pond, Thompson and Maxwell, while

11,542 votes were required to elect Senator Bree, a Democrat.

The Republican votes elected twenty-two senators, an average of

4,479 Republican votes for each Republican senator elected; while the Democratic votes elected only two senators, an average of

39,153 Democratic votes for each Democratic senator elected.

1,491 votes only, elected Senator Maxwell, a Republican. A larger number of votes were cast for each one of seven-teen defeated Democratic senatorial candidates, and

60,936 Democratic votes (over forty times as many as elected Senator Maxwell) were wasted on defeated Democratic candidates.

In fact, the Republicans in Connecticut got one representative for every

893 votes cast by their party, while the Democrats only got one representative for each

2,708 votes (over three times as many) cast by their party.

The Republicans got one senator for each

4,479 votes they cast; while the Democrats got only one senator for each

39,153 votes (over eight times as many) cast by their party.

As the result of this there are in the present Senate of Connecticut

2 Democrats and 22 Republicans, instead of

11 Democrats and 13 Republicans, as there would be if the representation were proportional to the whole vote cast for each party in the state; notwithstanding "all men are equal in rights."

On the same principle there should be in the House of Representatives (one member being an independent)—

113 Democrats and 141 Republicans, instead of—

53 Democrats and 201 Republicans, as there now are.

As the Democratic and Republican party managers in Connecticut keep remarkably quiet under such an outrageously unjust and demoralizing condition of affairs without any determined or persistent resolve on their part to remedy the evils, is it not probable that there is a deep and unscrupulous design in this? Does not such acquiescence tend to justify the oft-repeated and constantly growing charge that many of the leaders of both of the larger political parties are organized into a secret order of conspirators against the welfare of the whole people, with the sole object in view of getting control of the offices for their own selfish purposes, and through deals with each other procuring the passage of unjust laws, by venal legislation, so as to divide the spoils among themselves?

Since the days of miracles have passed, the constantly recurring evils of Connecticut railroad legislation alone prove unprincipled design on part of skillful political manipulators, like similar legislation in New York and Philadelphia, effected by unscrupulous political rings in those places.

Less than one-third the votes cast,

98,277, elected 168 representatives, one from each town in the state (forty more than a majority of the House of Representatives) while

144,275 votes were cast for defeated candidates in the same towns.

"The Daughters of the American Revolution" are descendants of a few men of the eighteenth century, who as traitors to England, but as patriots for freedom, had that supreme courage of manhood which enabled them to coolly tie the gallows' halter around their neck, and placing the other end in the hands of Eng-

land—the most powerful nation in the world—defy her to hang them, and with exhaustless bravery, in a seven years' war against the wealthiest nation in the world, veteran European armies, and the Tories in their midst, risk lives and property in resistance to taxation without just representation in the legislative body which taxed them.

To our shame be it said there will never be "Daughters" of men of the nineteenth century who will honor their ancestors for any such noble act, but our pusillanimous submission to taxation by a legislative assembly in which we do not have fair and equal representation, and our lack of forceful and successful resistance to it, are such glaring acts of cowardice and show such want of manhood as will bring the blush of shame to the cheeks of our daughters, and it ought to ours.

The 118 votes in the town of Union which elected two men have as much power to tax the enormous wealth of the people of New Haven as those which elected the two representatives from that city, yet citizens of New Haven who cast 45,207 votes tamely submit to this wrong.

Has the Constitutional Convention or the people of Connecticut the virtue and ability to wipe this foul blot from the fair name of their Commonwealth?

TO THOUGHTFUL MEN AND WOMEN:

Where citizens are equal, if ten men are to select ten representatives, each man ought to select one; if ten thousand are to elect ten representatives, any tenth, that is, each thousand voting alike, ought to elect one.

Yet in Connecticut for years, less than one-fifth the votes cast for senators elected over one-half the Senate.

At the last state election in Connecticut (1900), in round numbers—

33 thousand votes elected a majority (13) of the senators.

66 thousand votes elected a minority (11) of the senators.

80 thousand votes cast at the same election failed to elect a single senator. Also in the Connecticut House of Representatives

144 thousand votes were lost on defeated candidates.

19 thousand votes elected a majority (128) of the members, while—

165 thousand votes were required to elect the remaining 127 representatives, a minority.

The Constitution of Connecticut says: "The citizens have a right to assemble for the common good, and apply to those invested with the power of government for redress of grievances, by petition or remonstrance." That right implies that grievances found to exist shall be redressed.

Now is the time for the people of Connecticut to assemble and set forth to the Constitutional Convention in the strongest terms, the danger and guilt of pursuing the present course of unequal representation of the people in the General Assembly,

and petition it for a change which will remedy the evil.

Reference to the definition of a "Convention" (see Standard Dictionary) will help the people of Connecticut to understand their just rights, as it may also help the Convention, by showing to all who voted for candidates to that Convention, their right to be represented there by the representatives they voted for, in proportion to the number of votes cast for each.

In this respect the Convention differs from the General Assembly, as its membership under the Constitution is rightly settled by the will of the whole people, with no express constitutional limitations, as in the case of the General Assembly.

The General Assembly has no constitutional right to limit the membership of the Convention. That should be settled by the people when they vote for different candidates in the same town. Each candidate voted for should be recognized as a member in the Convention, with voting power there proportional to the number of votes cast for him; then a majority of such votes of the people so represented would dictate the action of the Convention.

Definition—"A convention is a representative body elected by the people—the whole people, not a majority of the people—to meet at some specified time *or* place for some specified purpose, and its existence ends with the accomplishment of that purpose." As the Convention is to represent the *whole people* and "all are equal in rights," it follows that the members who represent the greatest number of the people should have the greatest power, and all the people should be equally represented in the Convention in proportion to the number of votes cast for their candidates.

A majority of the citizens in the State have no more right to exclude part of its citizens from being represented in the Constitutional Convention than a majority in a town have to exclude part of its citizens from a town meeting.

Under the terms of the Constitution, no candidate can be rightfully debarred from his right to represent his constituents in that convention if he had any votes cast for him at the election.

The people are supreme in the matter, and there is no legal power to prevent; *even the Convention* has no power to exclude the people's representatives from their body.

For the Constitution of Connecticut also says: "That all political power is inherent in the people, '*not in the towns,*' and all free governments are founded on their authority and instituted for their benefit; and they (*the people, not the towns*) have at all times an undeniable and indefeasible right to alter their form of government in such a manner as they may think expedient."

What kind of manhood is it that submits to political wrongs with such a constitution as the people of Connecticut has to govern them ?

There are various methods by which an approximately equal and fair representation can be secured, far superior to the grotesque travesty upon popular representation which the antiquated methods now practiced in Connecticut are shown to be.

Far the best and most perfect method is known as the "Gove system," from William H. Gove of Salem, Mass. The complete bill drafted by him for Massachusetts is reprinted in the appendix.

We cannot fully explain it within the limits of this paper, but a book in your and most other public libraries called "Proportional Representation—The Gove System" will explain it.

It is immeasurably superior to the minority representation system in use for electing members of the Legislature of Illinois, or to the proportional representation systems used in either Switzerland or Belgium.

The World's Fair Congress at Chicago recognized the "Gove System," and it is now being strenuously advocated by the Proportional Representation Society of Canada.

A long editorial in the New York Evening Post, and in the Nation of Sept. 16, 1886, explained some of its advantages.

For many years it has been brought before the Legislature of Massachusetts, but the united opposition of the practical politicians of both political parties prevents its passage.

A member of a Massachusetts Legislature who was a very successful "practical" politician, and also an influential party boss, told one of its persistent advocates that the "Gove System of Voting" never would be passed by any Massachusetts Legislature.

Advocate. Why not ?

Politician. Because it ought not to pass.

Advocate. But for what reason ?

Politician. Because it is not right.

Advocate. In what respect is it wrong ?

Politician. Because it compels every candidate to nominate (*subject to the approval of the voters on election day*) a list of other candidates to whom ineffective votes which are cast for him may be transferred.

Ineffective votes being—

1. Those votes cast for candidates who die after the election.

2. Surplus votes cast for candidates more than were actually needed to elect them.

3. Votes cast for candidates which were not enough to elect them.

Advocate. But the Gove System of voting *does not* COMPEL a candidate to nominate such a list of candidates ; he can do it or not, just as he chooses.

Politician. But it is virtual compulsion, for if I do not furnish such a list, the people will not vote for me.

Advocate. Then furnish a list such as the voters want.

Politician. If I do so, I will have to select the very best

candidates in my own party to increase the chances of my own election.

Advocate. Then what harm will it do you ?

Politician. Why, the boys will then go back on me for not putting them on my list.

Advocate. There is nothing to prevent you from putting them on too.

Politician. Of course there is. Such list of nominees will expose all the political deals which have been made, and as the lists have to be *published before election*, the voters will at once see and break up any deals that has been made ; consequently, every sensible legislator will oppose the bill.

VOTE OF CONNECTICUT FOR STATE SENATORS. (1900.)

Names of the Candidates Elected.	<div> <div>Voters who are represented, their candidates being elected.</div> <div>Voters in the same district who are not represented by their candidates.</div> <div>Less than one-half the votes elect all but one of the Senators.</div> <div>More votes were cast for defeated candidates than elected twenty-one of the twenty-four Senators.</div> <div>And more votes were cast for defeated candidates in 21 districts than elected Senators in 21 districts.</div> <div>Less than one-fifth of the votes cast elected a majority of the Senators.</div> <div>Republican votes elected 22 Senators, or one for each 4,479 voters cast.</div> <div>Democratic votes elected only 2 Senators, or one for each 39,133 votes cast.</div> </div>							
	99,817	80,150	88,275	73,461	76,667	33,228	98,551	78,307
Sen. Bree,.....	11,542	11,181			11,181		10,674	11,542
" Roberts,	7,415	7,526	7,415		7,526		7,415	7,234
" Seeley,.....	7,399	6,347	7,399		6,347		7,399	6,161
" Kennedy,...	6,066	6,004	6,066	6,066	6,004		5,668	6,066
" Burton,.....	5,884	4,202	5,884	5,884	4,202		5,884	4,074
" Sloper,.....	5,581	4,012	5,581	5,581	4,012		5,581	3,727
" Kenealy,...	4,983	2,817	4,983	4,983	2,817		4,983	2,771
" Lanyon, ...	4,822	4,469	4,822	4,822	4,469		4,822	4,369
" Goodrich,...	4,422	2,845	4,422	4,422	2,845		4,422	2,698
" Whitlock,...	4,400	4,079	4,400	4,400	4,079		4,400	3,979
" Bradley, ...	4,075	2,938	4,075	4,075	2,938		4,075	2,844
" Gordon,.....	3,680	2,333	3,680	3,680	2,333	3,680	3,680	2,253
" Pendleton, ..	3,524	3,045	3,524	3,524	3,045	3,524	3,524	2,906
" Cooper,	3,241	2,700	3,241	3,241	2,700	3,241	3,241	2,607
" Allis,.....	3,172	2,545	3,172	3,172	2,545	3,172	3,172	2,522
" T. J. Brown, ..	2,533	1,854	2,533	2,533	1,854	2,533	2,533	1,762
" Brothwell,...	2,530	1,391	2,530	2,530	1,391	2,530	2,530	1,313
" Wright,.....	2,499	1,501	2,499	2,499	1,501	2,499	2,499	1,448
" C. H. Brown, ..	2,434	1,235	2,434	2,434	1,235	2,434	2,434	1,189
" McDonald, ..	2,279	2,092	2,279	2,279	2,092	2,279	2,279	2,060
" Landon,.....	2,225	1,551	2,225	2,225	1,551	2,225	2,225	1,534
" Pond,	2,087	1,601	2,087	2,087		2,087	2,087	1,535
" Thompson,...	1,533	851	1,533	1,533		1,533	1,533	789
" Maxwell,...	1,491	1,031	1,491	1,491		1,491	1,491	924
Totals, -	99,817	80,150	88,275	73,461	76,667	33,228	98,551	78,307

99,817
80,150
2 179,967
89,983

Analysis of the vote for representatives similar to the above will be found in every public or college library in Connecticut.

Delegates to the Constitutional Convention are in honor bound to appear at the *organization* of that Convention, and *demand* and *secure* their equal right to *represent*—in proportion to the number of votes received by each candidate throughout the state—that portion of the people who voted for and trusted him to represent and secure for them their “equal right” with all other citizens to amend the Constitution.

Delegates King having nineteen votes, and Haven having twenty-four votes were elected to represent them. Less than six thousand citizens elected a majority of the delegates, and it is proposed that over twenty-eight thousand other citizens who voted shall not elect any delegate to represent them.

A first edition of fifty thousand of these pamphlets is now being printed by F. S. Blanchard & Co., Worcester, Mass., and their free distribution by mail throughout Connecticut, it is hoped, will induce the formation of equal representation societies in every town with the sole object of remedying the evils herein set forth.

Persons in a town where such a society is not formed, who feel an interest in this important subject, should send their names for registration, that they may be put in the way hereafter of communicating and acting with others of like mind. Address, JOHN M. BERRY, Millbury, Mass., P. O. box 490.

APPENDIX I.

THE GOVE BILL—LEGISLATIVE REPRESENTATION.

HOUSE NO. 335.

ARTICLE OF AMENDMENT.

Section 1. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, any resident of this Commonwealth, eligible under the Constitution to the office of senator, may be nominated as a candidate for said office by any person.

No such nomination shall be valid unless the following conditions are complied with:

(1.) The nomination shall be in writing, signed by the person making it, and shall contain the name and place of residence of the candidate.

(2.) An acceptance of the nomination signed by the candidate shall be endorsed thereon.

(3.) It shall be deposited in the office of the secretary of the Commonwealth not more than three months nor less than five weeks before the day of election.

(4.) There shall be deposited with the nomination the sum of fifty dollars, or such other sum not exceeding one hundred dollars, as the Legislature may hereafter by law direct.

Sect. 2. Not less than four weeks before the day of election, the secretary of the Commonwealth shall furnish to each candidate and to every voter who shall request it, a printed list containing the names of all the candidates in alphabetical order with the place of residence of each, and the name of the person by whom each was nominated.

Sect. 3. At any time after his nomination and not less than three weeks before the day of election, any of said candidates may furnish to the secretary of the Commonwealth a statement in writing, signed by himself and acknowledged before any magistrate authorized to take acknowledgment of deeds, which statement shall contain the names of one or more others of said candidates with whom he believes himself to be in accord upon the most important public questions, and to one or more of whom he wishes to transfer any ineffective votes cast for himself.

Sect. 4. The secretary shall prepare a new list of candidates similar to that named in section two of this article, but containing also against the name of each candidate the names in alphabetical order of all candidates named in the list, if any, furnished by that candidate, as provided in section three; and he shall, not less than two weeks before the day of election, furnish to the clerk of every city or town a sufficient number of copies of said new list. Every such clerk shall, immediately upon the receipt thereof, post conspicuously, and open to the inspection of the public, one copy of said list at each and every place in his city or town where votes are to be received at said election, and shall also immediately furnish one copy to every legal voter resident in said city or town who shall demand the same.

Sect. 5. Every legal voter wherever resident, shall be entitled to cast his vote for senator in favor of any person whose name appears in the aforesaid list of candidates; but no person shall vote for more than one candidate, nor for any person whose name does not appear upon the aforesaid list of candidates.

But whenever a candidate duly nominated is omitted from the list published by the secretary of the Commonwealth, votes may be cast for him with the same effect as if his name appeared on said list.

If the secretary shall make such omission intentionally or through wilful neglect of duty, he shall, upon conviction thereof, be ever after incapable of holding any office of trust or profit under the Commonwealth.

Sect. 6. The returns of votes having been transmitted to the secretary of the Commonwealth as provided by the Constitution, the secretary shall make a list of all candidates voted for, with the vote received by each candidate in each precinct or voting place, and his total vote, and said list shall be transmitted, published and distributed in the same manner provided in section four concerning the list therein named; and after the secretary shall have ascertained who are the persons who appear to be elected, he shall make a list of the successful candidates with the computation by which their election has been ascertained, and shall forthwith furnish a copy of the same to each candidate and also to every voter who shall request it.

Sect. 7. Ineffective votes shall be transferred according to the request of the candidate for whom they were originally cast, to a person named in the list furnished by said candidate as provided by section three.

The forty candidates then having the highest number of votes shall be declared elected, and the secretary shall issue certificates of election to them.

In case two or more candidates have the same number of votes, the candidate residing at the greatest distance from the state house shall be deemed, for the purpose of election, to have the highest number.

Sect. 8. The following shall be deemed ineffective votes, and shall be transferred in the order named:

(1.) Any votes cast for a candidate in excess of one-fortieth of the entire vote cast, beginning with the candidate receiving the largest vote, and proceeding to the one next highest, and so on.

In the case of two or more receiving the same vote, the transfer shall be from each alternately, in alphabetical order.

(2.) Votes cast for candidates who have since their nomination died or become ineligible in the same order.

(3.) Original votes cast for candidates who fail of election, beginning with the candidate receiving the smallest total vote, and proceeding to the one next lowest, and so on; in case of two or more receiving the same vote the transfer to be made from each alternately in alphabetical order.

No votes shall be transferred from any candidate who has not furnished the statement named in section three.

Sect. 9. Every ineffective vote of a candidate shall be transferred to the candidate named in his said list, living and eligible at the time of counting the vote, for whom the largest number of votes were originally cast and whose vote by transfer or otherwise does not equal one-fortieth of the whole vote cast, until all are transferred as far as possible.

If the same number of votes were originally cast for two or more candidates named in said list, the candidate residing nearest the one from whom the votes are to be transferred shall be preferred.

Sect. 10. The secretary shall at once transmit to the treasurer and receiver-general all sums of money received as provided in section one.

Immediately after declaring the names of the persons elected senators, he shall draw on the treasurer and receiver-general a warrant for the payment of the sum received with one nomination, and issue the same to the person nominating each candidate who shall appear by the returns to have received one thousand or more original votes, and all such warrants shall be paid by the treasurer and receiver-general on presentation. The remainder of the sums paid under section one shall be and remain the property of the Commonwealth.

Sect. 11. In case a vacancy shall occur in the Senate after the declaration of election provided in section seven, the votes cast for the member whose seat shall have become vacant, together with any ineffective votes assigned to him, shall be re-distributed in the same manner as if he had died or become ineligible before the canvassing of the votes, and the candidate not before elected, who, after returning to him any votes originally cast for him, shall then appear to have largest number of votes shall be declared elected.

Sect. 12. The Supreme Judicial Court, upon the petition of twenty-five legal voters, shall have jurisdiction to enforce by mandamus the correction of any erroneous or improper issue of such certificate of election, when such error can be made to appear from the face of the returns issued by the secretary as provided in section six, upon canvassing said returns in the manner provided in section seven, eight and nine.

But the Senate shall continue to be the final judge of the election of its members.

Sect. 13. The Legislature may at any time provide by law that representatives be elected in substantially the same manner as is herein provided for senators, and by such law may, if it so decides, divide the Commonwealth into not exceeding six electoral districts, from each of which the candidates voted for in that district must be taken, and by voters within which such candidates must be nominated. The number of voters in each of these districts to be as nearly equal as possible.

APPENDIX II.

HOUSE 133.

[Bill accompanying the petition of John M. Berry for legislation to authorize towns to elect town councils. Towns. January 15.]

Commonwealth of Massachusetts.

AN ACT

To provide for the Election of City or Town Councils or Selectmen.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Any town having twelve thousand inhabitants may elect a town council of one hundred members, which shall have and exercise all the powers of the inhabitants of the town assembled in town meeting.

SECTION 2. In every town having such town council, all tax bills shall be numbered consecutively, with printed numbers upon their face, and every tax bill shall have a coupon attached thereto similarly numbered, certifying that the person to whom the bill is made is a taxpayer in said town in the year in which such tax is assessed.

SECTION 3. The members of every town council shall be chosen by ballot at the annual election of state officers in November. Nominations shall be made in the manner provided by law for the nomination of aldermen at large in cities. Each voter shall vote for one candidate only, and shall securely attach to his ballot the coupon to his tax bill, or deposit the same with his ballot in a sealed envelope. The town clerk shall make and record a list in numerical order of the coupons cast for each candidate. The one hundred persons receiving the largest number of votes shall be deemed elected. by reason of two or more candidates receiving the same number of votes it does not appear which of them is elected, the remaining members of the town council shall elect from the candidates so receiving the same number of votes the number necessary to make up the full number of one hundred.

SECTION 4. Any voter may at any time, upon payment of a fee of ten cents, present his tax bill to the town clerk, with a written demand signed by him that his vote shall be transferred to any member of the town council whom he may therein designate, whether said vote has previously been transferred or not, and the town clerk shall thereupon make and record such transfer. Each member of the town council shall be entitled to cast upon every question arising therein as many votes as were cast for him at his election and have not since been transferred to any other member, added to the number of votes which, when last transferred, were by such transfer assigned to him; *provided*, that no transfer shall affect the votes of the town council at a meeting held within one week after the time of the transfer.

SECTION 5. The town clerk shall be clerk of the town council. He shall provide at each meeting of the town council a sufficient number of blanks for votes, upon which shall appear the names of the members in alphabetical order, with the number of votes which each member is entitled to cast at that meeting in each of two parallel columns opposite his name.

All votes of the town council shall be taken by yea and nay, and the town clerk shall place a mark on one of said blanks against the number in the first column opposite the name of every member voting yea, and a mark against the number in the second column opposite the name of every member voting nay. He shall then strike out all other numbers and add those checked to determine the vote.

SECTION 6. Any person who shall pay for any voter except himself the fee for transferring a vote provided in section four, or who shall, in order to aid or promote any such transfer directly or indirectly by himself, or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or valuable thing except the fee required to be paid to the town clerk for the transfer of his own vote, shall be punished by imprisonment in jail not exceeding one year.

SECTION 7. This act shall not be in force except in such towns as shall, at a town meeting called for that purpose, vote to accept it. Any town accepting this act may at any time after one year vote to revoke its acceptance, and this act shall thereafter cease to be in force in such town until again accepted by a vote passed at least one year after the time of such revocation.

<p>No. 25. Certificate of CITIZENSHIP in the Town of WESTPORT, CONN. 1902.</p>	<p><i>The owner reserves the right to transfer this vote at any time from one Selectman (or Alderman) to another, thereby decreasing the voting power of the one and increasing that of the other by one vote.</i></p> <p>-----</p> <p>VOTING COUPON B.</p> <p><i>The owner entrusts this vote to</i></p> <p>Mr.</p> <p>No. Street,</p> <p>Town of</p> <p><i>as his proxy for the time being.</i></p> <p>-----</p> <p>VOTING COUPON A.</p> <p><i>The owner entrusts this vote to</i></p> <p>Mr.</p> <p>No. Street,</p> <p>Town of</p> <p><i>as his proxy for the time being.</i></p>	<p>No. 25.</p>
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To keep record of the votes will only require a day book and ledger account, and the very simplest form of book-keeping; that of a small retail store is vastly more complicated.

If voters so desire, the number of the certificate can be kept secret by sealing them all in blank envelopes and mixing thoroughly.

The transfers can also be made secretly by sending the voting coupons by mail to the new representative, who will surely see to the transfer.

The coupons being arranged in alphabetical order, the transfer of a higher lettered coupon cancels all coupons before it.

Coupons sufficient to allow of an average of one transfer per month between the elections to each voter, would probably answer the most exacting demands. Many would not wish to transfer at all.

Analysis of the Vote cast for Representatives in the General Assembly of Connecticut. (1900.)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
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